

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
FLORENCE DIVISION

Billy Ray Crawford, Jr.,

Crim. No. 4:05-cr-00470

v.

United States of America

ORDER

This matter comes before the Court on the motion of Defendant Billy Ray Crawford, Jr., which requests the Court appointment him counsel to assist him in seeking a sentence reduction. ECF No. 315. Specifically, Crawford seeks assistance in requesting a sentence reduction in light of “First Step laws that have been enacted.” *Id.* For the reasons set forth below, the Court denies his motion.

Caselaw provides guidance in connection with the appointment of counsel. “It is well settled that “a criminal defendant has no right to counsel beyond his first appeal.” *Coleman v. Thompson*, 501 U.S. 722, 756 (1991); *United States v. Coleman*, No. CR 3:01-506-JFA, 2020 WL 8258249, at *1 (D.S.C. July 30, 2020) (“As an initial matter, there is no general constitutional right to appointed counsel in post-conviction proceedings.”). Although due process mandates the appointment for certain post-conviction proceedings, a motion to reduce a sentence pursuant to the First Step Act is not one of those proceedings, and the Court has discretion to appoint counsel if the interests of justice so require.

Using its discretion, the Court concludes that there is no factual or legal basis to appoint counsel in this case. In support of this conclusion, the Court notes that Crawford previously moved for a sentence reduction pursuant to the First Step Act

in January 2019. ECF No. 278. Pursuant to the Court's standing order at the time, the Court appointed the Federal Public Defender, William Nettles, Esquire, to represent Crawford. ECF No. 279. FPD Nettles filed a motion to reduce Crawford's sentence pursuant to the First Step Act, to which the Government responded in opposition. ECF Nos. 286 & 288. Moreover, the United States Probation Office prepared a Sentence Reduction Report, which analyzed the sentence imposed in light of the First Step Act. ECF No. 285. In January 2020, the Court entered an order denying Crawford's motion, setting forth its reasoning as follows:

In considering whether to reduce Defendant's sentence, the Court has carefully reviewed the Presentence Investigation Report and Sentence Reduction Report, and has considered the current statutory range, the Guidelines range, the § 3553(a) factors, and evidence of post-sentencing mitigation. In light of these considerations, the Court concludes that a sentence reduction is not appropriate in this case. There are several reasons why the Court has reached this conclusion, including (1) he was held accountable at sentencing for a crack weight (5.4 kilograms) that would have supported a charge to the current threshold amount (280 grams); (2) in light of his career offender designation, his Guidelines range has not changed; (3) he received a firearm enhancement; (4) the Government notes in its brief that the PSR states that during a controlled drug buy, he threatened to shoot the confidential informant if he discovered that the confidential informant was wearing a wire; and (5) he has two prior convictions for possession of drugs with intent to distribute. For these reasons, the Court declines to reduce his sentence, and his motion,

ECF No. 291 at 4–5.

The Court has once before granted Crawford's request for the appointment of counsel to assist in pursuing a sentence reduction under the First Step Act. As stated, the Court found Crawford was not entitled to relief under the Act. In his present motion seeking the appointment of counsel, Crawford's has not set forth a basis as to

why counsel is again necessary to pursue relief which the Court previously found he was not entitled to. Accordingly, his motion to appoint counsel, ECF No. 315, is **DENIED.**

IT IS SO ORDERED.

s/ Terry L. Wooten
Terry L. Wooten
Senior United States District Judge

October 4, 2023
Columbia, South Carolina